

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 CIAE-00 INR-07

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 9826

INFO AMEMBASSY KATHMANDU

AMCONSUL CALCUTTA

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E.O. 11652: N/A

TAGS: CVIS, PINS, PINT, IN

SUBJECT: DWIVEDI CONVICTION IN A.N. RAY CASE

REF: (A) NEW DELHI 15856, (B) NEW DELHI 16016

1. IN DECEMBER 1 CONVERSATION WITH CONSULAR OFFICERGN K. L. SHARMA, MTE ATTORNEY WHO REPRESENTED RANJAN DWIVEDI IN THE A. N. RAY TRIAL (REFTELS), SAID HE DID NOT THINK IT WOULD BE WISE FOR MRS. DWIVEDI (WHO IS AN AMERICAN CITIZEN) TO COME TO INDIA. HE SAID THAT THE POLICE HAD TOLD HIM THAT SHE WOULD BEARRESTED IF SHE SHOULD COME.

2. DISCUSSING THE TRIAL, SHARMA SAID THAT HE DID NOT YET KNOW IF HE WOULD BE ASKED TO APPEAL THE CONVICTIONS IN A HIGHER COURT. IF THE CASE IS APPEALED, HE FELT THAT DWIVEDI WOULD STAND A GOOD CHANCE OF BEING RELEASED ON BAIL. HE ALSO FELT THAT A HIGHER COURT WOULD ACT MORE INDEPENDENTLY THAN ADDITIONAL DISTRICT AND SESSIONS JUDGE K.S. SIDHU AND THAT DWIVEDI COULD STAND A 90 PERCENT CHANCE OF HAVING HIS SENTENCE REDUCED TO TWO YEARS.

3. COMMENT: WE HAVE NO OBJECTION IF THE DEPARTMENT
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WISHES TO PASS ON THE FOREGOING INFORMATION TO MRS.

DWIVEDI. LE SHOULD POINT OUT FOR THE DEPARTMENT'S BACKGROUND, HOWEVER, THAT THE RECENT AFFAIR INVOLVING ANADI NAIK MAY HAVE A BEARING ON THE DWIVEDI CASE. IN LIGHT OF NAIK'S HAVING JUMPED THIRTY-DAY RELEASE FROM JAIL (KATHMANDU4889), THE GOI MAY BE RELUCTANT TO GRANT BAIL TO DWIVEDI OUT OF FEAR THAT HE MAY DO THE SAME. SO FAR AS WE ARE AWARE, SHARMA DOES NOT KNOW ABOUT NAIK'S FLIGHT FROM INDIA. SCHNEIDER

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